

Application No. 10/775,000
Applicant(s): Cullinan
Docket No.: D546.5.1CIP

Examiner: Gary Chapman Hoge
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REMARKS

Election of Species

The Examiner states that the claims are directed to the following patentability distinct species and requires applicant elect a single disclosed species for prosecution on the merits under 35 U.S.C. 121:

Species I, Figs. 1-4;
Species II, Figs. 5-7;
Species III, Figs. 8-10, 12, 13;
Species IV, Fig. 11; and
Species V, Figs. 14-18.

In response, appellant provisionally elects Species V of Figs. 14-18 with traverse. Claims 1-3, 12, 14-22 read on at least one of the embodiments of Species V shown in Figs. 14-18.

Interchangeable menu section Species III is shown in Figs. 8-10 and 12a and 12b (not Fig. 13) and is referred to in the specification as menu section 78''. Menu section 78'' is essentially the same as menu section 78 in Fig. 2 (Species I) except that the frame fastener, i.e., clip 120 (c.g., Fig. 3) is replaced by spacer 195 and magnet 196 (e.g., Fig. 9). As illustrated, both species I and III have both front and rear channels and a light blocking portion 96. The menu section of Fig. 13 has neither rear channels (formed by rear upper and lower flanges and lips) or a light blocking portion as set forth on page 15, lines 20-22 of the specification. The menu section of Fig. 13 is designated as menu section 78'''' and similarly referred to in the specification, e.g., p. 15, line 28. As such, it would seem that the Examiner may wish to designate the menu section of Fig. 13 as an additional species, e.g., species VI. A distinction also can be made with regard to Species V (Figs. 14-18). Figs. 14 and 16 illustrate a menu section 78'''' without a light blocking portion while Fig. 17 illustrates the addition of light blocking portion 350.

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It is to be noted, for example, that although claims 14-19 and 21-22 read on at least one of the embodiments of Species V shown in Figs. 14-18, these claims are silent with respect to a frame fastener and thus do not preclude the use of the various fastening means set forth in the other menu section species. Thus claim 14 does not preclude the use of other fasteners not illustrated in Figs. 14-18, e.g., the hook and pile (Velcro) of claim 13 (190 in Fig. 5; specification at page 14, lines 3-6), the securing means of claims 9-11 (160 in Fig. 4; specification at page 13, lines 10-22), or the clip of claims 6-8 (120 in Fig. 3; specification at page 11, lines 17-27) and the attendant rear channels 102 and 108 of claim 4 for retaining the clip (Fig. 2; specification at page 11, lines 17-27). Similarly, claims 14-15, 17-18, and 20-22 are silent with respect to the use of a light blocking portion and thus are generic with respect to its use or non-use.

With regard to claim 2, it is noted that Figs. 14-18 do not explicitly illustrate a presentation strip. However, it is believed that this claim reads on Figs. 14-18 in view of the fact that the specification specifically recites that presentation strips "have been omitted for the sake of clarity" (specification, page 17, lines 11-12).

Corrections to Specification

- 1) The paragraph at page 11, lines 17-27 of the application was amended to correct the identifying numeral for the upper channel from 94 to 108. Basis is found, for example, in the specification at page 11, line 30 and in Fig. 2.
- 2) The paragraph at page 14, lines 15-27 of the application was amended to correct the identifying numeral for the magnet from 195 to 196 (line 24). Basis is found, for example, at page 14, lines 21 and 23.

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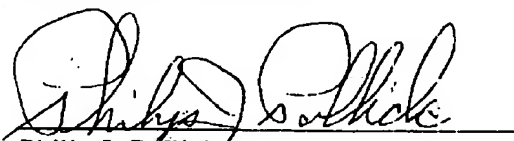
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CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. If any questions should arise with respect to the above remarks, or if it would in any way expedite the prosecution of this case, applicant's attorney would appreciate a phone call at (614) 263-8990.

Respectfully submitted,

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Date


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CERTIFICATE OF TRANSMISSION/MAILING (37 CFR 1.8a)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (central facsimile number (571 273-8300) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on August 21, 2005. Printed name of person signing: Mary L. Pollick.

Signature Mary L. Pollick